



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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January 31, 2002

TO: Internal File

THRU: David W. Darby, Senior Reclamation Specialist, Hydrologist/Team Lead *[Signature]*

FROM: Susan M. White, Senior Reclamation Specialist/Biologist *[Signature]*

RE: Incidental Permit Boundary Change for 65.7 Acres , Deer Creek Mine C/015/018-IB01K

## SUMMARY:

On November 28, 2001, the Division received an application for an incidental boundary change (IBC) to the Deer Creek Mine. Additional information was received January 4, 2002. The IBC is for 65.7 acres of additional federal coal with Forest Service surface land. The additional area will allow underground access from Federal Lease U-06039 to the Mill Fork State Lease Tract # ML-48258. The proposed underground access-way will consist of a set of main entries separated by pillars. No subsidence is expected to occur within the IBC area since only first mining will be done.

## TECHNICAL ANALYSIS:

## GENERAL CONTENTS

## RIGHT OF ENTRY

Regulatory Reference: 30 CFR 778.15; R645-301-114

## Analysis:

The incidental boundary change (IBC) is limited to 65 acres of land within Section 19. The Forest Service owns the surface lands and BLM administers the coal ownership. A letter and Lease Modification dated December 14, 2001 from BLM to Interwest Mining Company

TECHNICAL MEMO

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approved the incidental boundary modification to lease U-06039 (Both documents are included as an exhibit to the application but not included for inclusion in the MRP). Page 1-16 of R645-301-100, General Contents lists Federal Coal Lease U-06039 with an "Effective Readjustment Date:" 2/11/99. This date must be modified to reflect the December 2001 update.

The table titled Deer Creek Mine – Underground Right-of-Entry Information with Cited Surface and Subsurface Ownership lists the total right-of-entry acres as 17, 902.55. This acreage figure does not match the Division's. Please correct the acreage to correspond to the acreage decided in an e-mail between Chuck Semborski and Pamela Grubaugh-Littig, dated December, 12, 2001.

**Findings:**

Information provided in the proposed amendment is not considered adequate to meet the requirements of the Right of Entry section of the regulations. Prior to approval, the Permittee must provide the following in accordance with:

**R645-301-114**, Please update the Right-of-Entry information to show the lease modification dated December 14, 2001 and the correct permit acreage.

**LEGAL DESCRIPTION AND STATUS OF UNSUITABILITY CLAIMS**

Regulatory Reference: 30 CFR 778.16; 30 CFR 779.12(a); 30 CFR 779.24(a)(b)(c); R645-300-121.120; R645-301-112.800; R645-300-141; R645-301-115.

**Analysis:**

A legal description of the incidental boundary change has been updated to the permit area description (R645-301-100: General Contents, Page 1-16). A permit area map (Map 1-1) is provided that includes the IBC.

**Findings:**

Information provided in the plan meets the minimum Right of Entry requirements of the regulations.

## ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

## VEGETATION RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.19; R645-301-320.

### Analysis:

A vegetation map of the IBC is included in the MRP and labeled as "Future Permit Area" (Map 2-14). The vegetation in the IBC area is shown as pinyon juniper and mixed conifer.

### Findings:

Information provided in the plan meets the minimum Environmental Resource Information requirements of the regulations.

## FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 784.21; R645-301-322.

### Analysis:

No additional fish and wildlife resource information is submitted for this IBC. For ~~these~~ purposes the existing information in the MRP is adequate, since the only use of this area is for an underground access-way consisting of a set of main entries separated by pillars. The applicant states that no subsidence is expected to occur within the IBC area since only first mining will be done.

### Findings:

The information provided in the application meets the minimum Fish and Wildlife Resource Information requirements of the regulations.

## RECOMMENDATIONS

Prior to approval the above noted deficiency must be provided.